THE PCT FISHERMEN'S SERVICE CENTER: AN INTRODUCTION TO TAIWAN FISHWORKERS' PROBLEMS



TABLE OF CONTENTS

Introducing the PCT Fishermen's Service Center	Page 1
Map of Rast Asia	Page 4
Historical Symopsis	Page 5
Introduction to Taiwan's Fishing Industry	Page 6
Analysis of FSC Case Work	Page 7
Taiwan's Detention Problem	Page 11
Aboriginal Fishworkers	Page 14
Foreign Fishworkers	Page 16
Taiwan s Driftnet Controversy	Page 19



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THE PRESBYTERIAN CHURCH IN TAIWAN FISHERMEN'S SERVICE CENTER

Introduction

The origins of the Fishermen's Service Center begin with the PCT's General Assembly Church and Society Committee (formerly called Social Service and Development Committee). It came to the attention of several committee members that the number of Taiwanese ships meeting disasters at sea and detainment in foreign ports was steadily increasing. Led by their faith and based on their Christian commitment, they decided to enact a program to support Taiwan's fishing community.

In February 1985, the PCT General Assembly sent a worker to begin researching conditions at the country's largest port, Kaohsiung. Surveys were conducted to examine the detainment problem in general and intensive family home visitations were conducted to understand the particular problems families faced when their loved ones were detained overseas.

After one year of dedicated effort, loving concern for Taiwan's fishers spread from Kaohsiung port throughout the island. It became apparent however, that one worker's efforts were not sufficient to meet the extensiveness of the problem. Therefore a group of individuals gathered together in December 1985 to establish the Fishermen's Service Center as an official mission of the PCT General Assembly in addition to founding its Board of Directors.

On April 27, 1986 a service of celebration and thanksgiving was held to commemorate the establishment of the FSC and to affirm its goal of participating in Taiwan fishermen's struggles.

Organization

The FSC is a mission project of the PCT General Assembly and its Church and Society Committee. Its Board of Directors is comprised of eleven individuals including church representatives, legal advisors, fisher family representatives, social activists, fishery experts and national legislators.

Its staff includes a Director, three full-time staff members and a missionary. Because many Taiwan fishers come from the island's aboriginal minorities, the Board as well as staff include members of Taiwan's various tribal groups.

FSC Goals & Objectives

Advocacy

Assist fishers and families to strive after their legal rights in regards to insurance compensation, financial security, detainment, lost & missing ships, fishing company disputes and occupational safety

Education

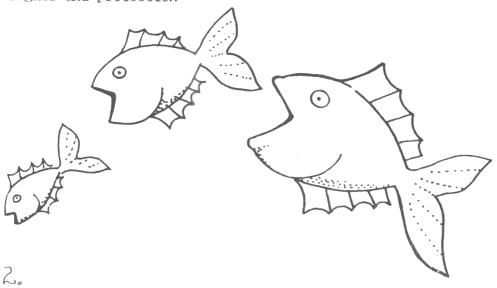
With fishers--publish simple literature and materials which aid fishers to understand work-related matters and sponsoring numerous small seminars in aboriginal communities With community at large--lift up fisher issues through outreach and articles to develop awareness of fisher problems in Taiwan

International Networking

Maintain and develop ties among international church groups, human rights organizations, environmental groups. regional fisher support organizations and other relevant groups to monitor and assist cases of detention

Research and Documentation

Investigate and record cases of detention, statistics concerning injury, missing ships and deaths at sea; Research with academics, legislators and legal advisors which covers current harbor and fishing industry laws and regulations, especially those dealing with fisher's basic rights and protection



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1985-1990 FSC Case Compilation & Analysis

Special Edition of Staff Articles

Periodic Reports distributed to fishers at the Port

Social Movement Activities

People's Hearings on:

*fisher problems

*detention

*contract/bonus system

*insurance

*driftnets

*high seas safety

Legal Research and Reform

*Environmental Protection Laws

*Harbor Laws

*Fishing Industry Laws

*Fishworkers' Human Rights Laws

*Model Contract Revisions

Major fund-raising Auction, sponsored by the PCT General Assembly Church & Society Committee and in

conjunction with other social service centers

Youth Training Event with local Presbyteries

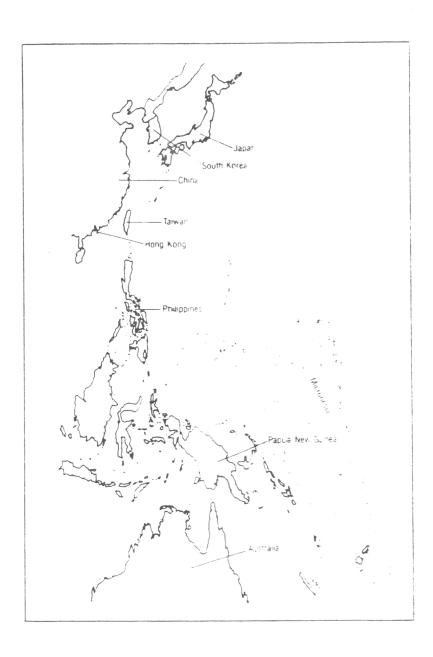
Education and Outreach

Weekly visits to Port, literature distribution Fishing family visits & Case follow-up Fisher seminars in various locales Production of a 3-4 minute videotape

International Exchange Program with Filipino fishers

Reporting & Work Interpretation

Local church & Presbytery visits Distribution of FSC cards, paper cuttings, etc International church & human rights groups network to assist in detention cases



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HISTORICAL BACKGROUND

The island of Taiwan, roughly 400 kilometers long and 130 kilometers at its widest point, is located just 160 kilometers off the coast of China, opposite Fujian province. Its contours resemble a sweet potato with a rugged mountain range running from north to south. This formidable natural barrier separates its teeming cities on the west from the less populated east coast.

Portuguese sailors named it, Ihla Formosa, Beautiful Island, more than four centuries ago. Holland and Spain also attempted to establish trading colonies with moderate success. Between three and four hundred years ago famine in China prompted waves of Chinese immigrants to brave the Taiwan Strait and settle in the fertile western plains. These immigrants drove the island's original aborigine population into the mountainous regions of the island. Later Chinese immigrants called Hakkas arrived about two hundred years ago.

Formosa was a sleepy backwater until 1885 when the island became a province of China. Following the Sino-Japanese war, China ceded Formosa to Japan, which colonized it for 50 years. The island was returned to China at the end of WWII.

When China fell to the Communists in 1949, Chiang Kai-shek and two million Chinese retreated to Taiwan and established a bastion of "Free China" on the island. They exercised complete political and military control while instituting an economic policy which encouraged rapid industrialization.

Considering Taiwan only a temporary home from which to eventually reinvade China, the KMT (Nationalist Party) transformed Taiwan's agrarian life-style into an industrialized, export-oriented powerhouse. In the process, the "Beautiful Island" suffered from capitalism-at-any-cost. Nearly all of its rivers are polluted to dangerous levels. Its air is darkened by a smoky haze and its 20 million residents live in an area with one of the highest population densities on earth.

The KMT government lifted martial law in 1987 after 38 years. Since that time, a pluralistic political system has begun to take shape. The KMT still has a firm grip on power, but no longer has a complete monopoly.

Yet the island remains bound to a political ideology which is out of step with most of the world. The KMT continues to claim to be the legitimate government of China which has fostered Taiwan's isolated diplomatic

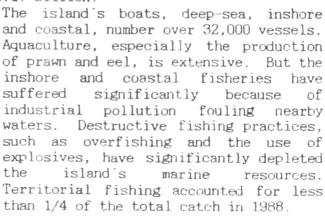
status. Only 28 nations recognize Taiwan by its official name, the Republic of China (ROC). China, on the other hand, claims Taiwan as one of its provinces and continues to use the threat of force to retake it.

Sometimes called an "economic miracle", Taiwan has a per capita yearly income of US\$7,500, the 27th highest in the world and the second highest in Asia behind Japan. Unfortunately, because of its breakneck industrialization, quality of life has worsened and a speculative and increasingly lawless society faces an uncertain environmental and political future.

INTRODUCTION TO TAIWAN'S FISHING INDUSTRY

Over the past 30 years, Taiwan's fishing industry has been characterized by rapid expansion and increasing development of the deep-sea sector. Ranked among the world's top twenty fishing nations, the island has major ports in the north, Keelung, and in the south, Kaohsiung. Its total fishing population is estimated to be 600,000.

According to the 1988 report of the Council of Agriculture (COA), the island's highest fishing authority, Taiwan's total fish catch has increased tenfold since 1952, now totaling over a 1,361,000 mt worth US\$3.25 billion dollars. After domestic consumption, which provides the island's residents with 30% of the animal protein in its diet, surplus fishery products are exported. Thus seafood tops the list of food exports and earned Taiwan US\$1.17 billion.



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FSC CASE WORK ANALYSIS 1985-1990

From October 1985 to October 1990, the FSC handled 390 cases which involved 1,069 individuals or an average of over 200 people per year. These figures exclude contacts through seminars, home and port visitations.

Based on FSC case work records, an analysis of the kinds of problems handled is as follows:

Detention
Death/Missing21%
Family Allotment
Introduction Agency8%
Bonus Distribution7%
Work Injury/Fights5%
Insurance & Others3%

Detention Problems

*Most cases are due to intrusion into other nations' 200 nautical mile exclusion zone, invading territorial waters or illegal fishing practices

*When crew members are under custody, their allowances for support are sometimes decreased or entirely stopped

*In some cases, the crew can be immediately released upon payment of fines; however ship owners often choose to drag out litigation and let fishers suffer

*Due to lack of diplomatic relations, Taiwan's government is restricted in negotiating detention problems

*Language differences complicate legal proceedings; without suitable interpreters, basic rights of Taiwan fishers cannot be insured

Missing & Death at Sea Problems

*It is not always easy for families to receive the payments due them

*Sometimes the ship owner, to avoid financial responsibility will skip town; survivors have no way of completing insurance forms

*Survivors assume responsibility for shipping bodies

*Payments differ according to whether the fisher was working or not working onboard when death occurs; the marine report depends upon the truthfulness of the skipper *The most comprehensive coverage available to fishers is non-compulsory

*The ship owner is not legally liable to pay anything out of his own pocket; when small amounts are given in 'charity', fisher families are made to feel abject and low *In some cases, families must wait 7 years for courts to officially declare lost fishers dead; this slows down insurance payments

*Fisher families must report within two years or else give up their claims; this is unfair because the maritime report and harbor authorities subject this process to many delays

*In cases of foreign fishers, ship owners don't even bother to report incidents to families; acquiring necessary documents to process insurance is difficult

Family Allotment Problems

*There is no guaranteed wage; standard monthly payments are only suggestions by government fisheries officials; averages for coastal fishers are US\$245 per month and larger boats are US\$267; deep-sea fishers average US\$370-450 per month; because the bonus cannot be estimated, final results are difficult to tabulate

*Allowances are not clearly written into the contract between the companies and the fishers; the ship owner may sell fish at a low price and use this as an excuse to lower allowance payments

*During detention, allowances usually stop

*In some cases, allowances of fishers are deposited into the Fishermen's Association Credit Department; when the ship is detained families cannot apply to receive the funds

*Fishers are allowed US\$37 per month for personal expenses which is clearly not enough; the fishers must resort to borrowing off their family's allowance to make ends meet yet causes hardship for wives and children

*A three-month advance is standard in the industry however, this is in fact the beginning of debt since the sum can later be subtracted from any bonus share

*Introduction agency expenses runs very high, as much as US\$296-\$3,500 which is subtracted from family allotment payments; sometimes a family receives no payment for over a year

*Receipts for loans and introduction fees are very simple and never itemized; usually the fisher will use a thumb print to endorse them but figures can easily be changed afterwards

Introduction Agency Cases

*The Agency asks for payments from both fish and ship owners for as high as US\$3,500

*Agencies often prey upon underaged aboriginal youth

*Introduction agencies create high debt for fishers and their families

*With fishers important papers and ID, they often float loans in their names

*Fishers identity documents are withheld, violating the law and their rights

*Introduction fees are subtracted from family allotment payments causing many hardships which also causes dissatisfaction among crew and incites anger, resentment and violence

Bonus Distribution Problems

*All the accounting practices are undertaken by the management and fishers are unable to trust this; it is standard practice that companies have two sets of books—the one they show fishers and the real one

*When fishers have complaints about bonus shares, government officials only refer them back to the companies; there is no place to go with grievances



*Because bonus shares are based on the selling price of fish, fishers often receive no bonus when the price is low; companies get around this by freezing fish then reselling it when the market value raises

*There is too large a difference in the ration share between the owner and the fishers, such as 3:7, 4:6 or 5:5; fishers are more numerous and get very little

*Fishers are not allowed observers during the weighing of the fish; accounts are too complicated to understand; fishers feel powerless against this system

Work Injury and Fighting Problems

*It is common that crew are injured or turn up missing due to fights; this reflects problems in the management skills of the skipper

*Language and culture differences provoke disagreements (between Aboriginal and Taiwanese and well as Taiwanese and Foreign crew)

*There is no medical care available aboard ship; when injury occurs, conditions worsen because immediate care is not received; sometimes captains are reluctant to send a fisher onto another port-going vessel in fear of losing a needed hand

*Labor insurance is inadequate

*Working environment on ships is conducive to violence; lack of discipline, working conditions, living environment are all deficient

Insurance Problems and Others

*Insurance is effective only after their leave port and is ineffective upon entry; there is a problem in renewal of medical care after entry

*Fishers and families are often ignorant about labor insurance application and benefits for missing at sea, death and retirement

*Ship owners do not actually provide insurance coverage for fishers as the labor law requires, but subtracts this sum from the common share of fishers during bonus distribution

*Other problems focus around the situation that fishers cannot avoid legal assistance when a grievance arises and the owner acts against the regulations; usually the license of the crew is revoked or the fisher is blacklisted



TAIWAN'S DETENTION PROBLEM

On July 21, 1968 the fishing vessel Lian Chun Ts'ai Ho was apprehended off the coast of the Philippines for violating that nation's territorial waters. While this is the first documented case of a Taiwanese ship detained by another vessel, evidence suggests that as early as 1965, Taiwan fishing ships were subject to capture. Sources indicate that dozens of boats had already encountered this fate.

Over the past 15 years, Taiwan's fishing industry has developed rapidly. Taiwan's fishing boats can be found in every major ocean of the world. With the rise of deep-sea, distant-water fishing ventures, so too have the number of detained ships risen.

Reasons cited for detention are numerous. Sometimes the ships are blown off-course because of inclement weather or unskilled captains miscalculate the locale. In cases of joint venture between Taiwan and another country, sometimes Taiwan's companies do not understand or strictly adhere to contracted agreements. Occasionally the joint venture agreements between Taiwan and other nations are not officially sanctioned by the countries in question.

In certain cases, the 200 nautical mile limit is not clearly defined or is in dispute (i.e. Pakistan, Bangladesh, etc.). Disputes with the Philippines, Japan and the Mainland are similar because boundaries are often disputed. However, when all is said and done, there is evidence to suggest that in many cases, the fishing company orders the ship to knowingly intrude territorial waters in an effort to increase the size of the catch.

We may be tempted to consider Taiwan fishers to have brought this misfortune upon themselves until we understand that the crew is virtually never responsible for entering these waters. According to international maritime law, it is the sole responsibility of the owner and captain of the vessel.

Once detained the crew are seldom provided with a translator, so cannot defend or explain their actions neither can they understand legal proceedings which may be undertaken against them. They are usually lodged in either overcrowded detention centers or in prisons, berthed in the midst of hard-core criminals.

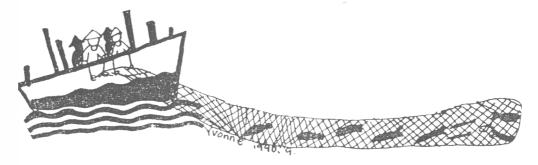
The fishing companies are slow to bring them home, haggling with the detaining government over the amount of the fine to pay, though this prolongs the fishers internment. The company also does not want members of the crew returning home until their captain is released so that they can have a full crew to sail their boat back to Taiwan.

Because Taiwan's government has few diplomatic ties, negotiations to rescue the crew are slow and awkward. Since normal diplomatic channels cannot be used, overseas Chinese or members of the Chinese Chamber of Commerce are sometimes recruited to act as middle-men. Occasionally a private agent acting in this capacity sees a chance to cheat and absconds with safeguarded negotiation money. In the midst of this tangle of problems remain the one group of individuals who pay the highest price--the fishermen and their families.

JANUARY 1980 - OCTOBER 1990 DETENTION STATISTICS

NATION	80	81	82	83	84	85	86	87	88	89	90
Indonesia	52	19	18	20	5	21	16	19	4	5	1
India	10	9		5	21		1		6	7	1
Burma		2								2	
Australia	3	3	2	6	3	8			2		3
Fiji		1						1		-	
Pakistan	2	5	****					2			2
Philippines	59	1	4	15	11	5	5	6	21		1
Palau	1	1		1	2	1	3		1		
Solomon Is.		-	2	1				1			
New Zealand			2				4				
Russia	~-		4	4	3		2	2	3	34	3
Japan	23		9	14	7	14	5	9	1		
Maldives			-		4		2				
Vietnam	1				5	1		1	3		1
Micronesia			1		3	1			6		1
USA		2	2		1	1	3		4		
Argentina						1			4		
Marshall Is.	~ -			***	4		2				
Thailand		~						1	3		
Malaysia						2	2	1	11	3	
S. Africa			-			2	4				16
China						2	4			4	1
New Guinea								1			
Bangladesh								1		33	
Tonga											1
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TOTAL BOATS 151 43 46 66 66 60 51 45 66 91 31 CREW 1,449 427 456 633 641 619 460 465 668 832 297



THE PLIGHT OF ABORIGINAL FISHWORKERS

The 350,000 so-called "Mountain People" of Taiwan are descendents of Malayo-Polynesian peoples who inhabited the island prior to the 17th century. Although they were the original inhabitants of the island, they have been slowly assimilated or driven back into mountainous regions by successive waves of Chinese settlers. Aboriginal people constitute less than 2% of the population.

Today aboriginal people, divided into ten different tribes, are an ethnic minority within a dominant Chinese culture. They also are a predominantly Christian sub-group within a society 95% Buddhist and Folk Traditionalist. While the 'economic miracle' of Taiwan advanced, aboriginal people were significantly left behind.



Because their mountain villages lack educational and economic opportunities, waves of young people have migrated to the cities on the western plains in search of work and a better life. Arrival in the cities does not solve their problems but creates different and more difficult ones.

Facing prejudice and job discrimination, young people are shuttled into low-paying manual labor such construction and lorry work. Aboriginal girls are often subject to being tricked or even sold into the industry. Over the past 10 years, large numbers of aboriginal men and boys have been recruited to work aboard deep-sea fishing vessels.

Perhaps the most serious threat to aboriginal fishers

is the way that they are recruited on the ships. This is the work of introduction agencies—recruiters who often work in tandem with fishing companies. Many are in the 14. control of powerful crime syndicates. In Kaohsiung alone there are 40 such agencies which especially prey upon aboriginal youth.

Because of the labor shortage on the ships, recruiters have become more aggressive in their methods. Sent into mountain villages, recruiters rely on false promises to lure unsuspecting and gullible youth onto the ships. Introduction agents use unscrupulous methods to attract workers. They will invite a large group of aboriginal people to lavish meals, present gifts of new clothing and ply them with liquor before finalizing a deal. What they do not realize is that they will be charged, often double the actual amount, for these favors.

Introduction fees run anywhere from several hundred to several thousand dollars. When the fishing company hires the worker, they assume the costs of the introduction which are then deducted from the fishworker's monthly family allotment. Sometimes this means that a family will not receive any kind of financial compensation for 6 months to a year.

The introduction agency will also take the fishermen's chop and identification documents on the excuse of handling paperwork" and turn them over to the fishing company. The fisher will not see these until after the voyage. In the meantime he has surrendered all of his rights to the introduction and fishing companies. In the fisher's absence, loans can be illegally taken out in his name.

When the fisher returns to port, he may well discover that he is being charged twice for the fees--one time to the introduction agency and the other time to the fishing company. Usually his rightful share of the catch is eaten up by these inflated introduction fees. If he attempts to protest he is usually out of luck because the recruiters are long gone, changing office addresses and company names regularly.

While the fisher is away at sea, aboriginal families have great difficulty in dealing with fishing companies when complaints arise. Because of language and cultural differences, aboriginal wives and parents are hard pressed to receive their rightful benefits.

CONFLICTS AT SEA

A mutiny in December 1990 aboard a Taiwanese fishing vessel operating in the Indian Ocean has helped focus public attention on violent episodes occurring within the deep-sea fishing industry. The confrontation aboard the Kaohsiung-registered Hsin Shih Hang 21 left four Taiwanese, including the captain and first mate, and four Filipino fishworkers dead.



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Although initial media reports painted the conflict as a Taiwanese vs Filipino affair, deeper investigation has indicated the involvement of at least one and possibly three or more Taiwanese fishers joining with Filipino crewmen to kill the captain and his supporters because of their cruel treatment.

Whatever the eventual outcome of the mutiny trial, the fact that an abusive captain and his underlings triggered a rebellion on the open sea cannot be treated as an isolated incident. Only a few days after the Hsin Shih Hang made headlines another Taiwanese fishing boat was reported detained by Indian authorities because of alleged mistreatment of Indian workers aboard.

In late 1990, two fishworkers, one Taiwanese, the other from China, were executed in a Taipei prison. They had been convicted, along with three other young men, of participating in a mutiny during the summer of 1989 in which another captain and his mates were killed. The men claimed they had suffered physical abuse at the hands of the captain which prompted the mutiny.

At least 55 South African fishworkers have had fingers and toes amputated after laboring for long shifts in the refrigeration units of Taiwanese fishing boats. Many of the men claim they given only plastic gloves instead of thermal gloves issued to the Taiwanese crew.

On the island of Mauritius, cases of abuse towards foreign fishers on Taiwanese deep-sea fishing boats have become so widespread that the Catholic organization, Apostolat de la Mer, has dubbed them Refugees of the Sea. These reports and others confirm the fact that violence on Taiwanese ships is a pattern of abuse.

In February 1990, the China Times newspaper reporter Chou Tse-Hsuan, wrote a series of four articles investigating violence onboard Taiwan's ships for the island's largest daily. The scope of her article specifically focussed on violence perpetrated against Taiwanese crew. Her insights are valuable in understanding the explosive conditions which permeate Taiwan's ships.

"Any analysis of violence on the fishing ships must start with the present vicious circle into which Taiwan's deep-sea fishing industry has fallen. The quality of ship's officers is low, so they use violence to suppress the crew at every move. And the poor quality of officers reflects the labor shortage in the fishing industry, which is in turn a result of low wages, long working hours, high

risk and an insurance system that offers no assurances! Add to this the boredom of shipboard life and it is easy to see that the deep sea fishing industry offers a terrible working environment. Almost no one on board would have chosen this life if they saw any other alternative."

The situation of violence for Taiwanese as well as foreign fishworkers is a desperate one. As Taiwan's fishing industry has come to rely more and more upon foreign labor from the Philippines, China, Thailand, Burma, Mauritius and South Africa the conditions for violence have escalated.

There are severe language and cultural difference among the multi-ethnic crews. If misunderstandings occur, there is no way to escape the cramped quarters and long time periods of deep-sea fishing life. The unceasing work conditions are another factor. Without proper rest periods and sleep, tensions are more likely to build.

Additionally, the discrepancy between wages paid to Taiwanese and non-Taiwanese workers is too large. Foreign fishers usually are paid half as much as the Taiwanese, have no recourse to a share in the catch and are likely not to be insured. Manning agents based in Singapore and other ports increase the likelihood of exploitation. When problems occur in receiving wages, there is much difficulty in resolving the grievances.

According to statistics complied by the Grassroots Women Workers Centre in Taipei, there are over 8,000 foreign fishworkers employed on Taiwan ships. A large portion of them work in the off-shore fisheries sector (2,400 workers) and small tuna fishing boats take second place (1,300 workers).

While the Taiwan Agricultural Development Committee has formulated certain regulations governing the treatment of foreign fishworkers, i.e. controlling their percentage on each boat, refusing their entry into Taiwan ports, etc, fishing industry personnel manage to find ways around the rules. Although the Taiwan government is now considering an Employment Service Law which will protect foreign workers, few believe that it will improve their lot either on land or at sea.

Each night, Taiwan's fishing fleet is plying the oceans of the world with thousands of miles of lethal nets. With one of the most extensive driftnet fleets in the world, Taiwan has become a major target of concerned environmentalists who believe this fishing method to be akin to 'strip mining the sea'.

Driftnets, also known as Walls of Death, are monofilament plastic fishing nets which stretch for as long as 35 miles and extend to a depth of 30 feet. Marine experts say that driftnets can destroy thousands of sea birds, porpoises, turtles, dolphins and even whales by ensnaring them in its invisible and deadly mesh.

Because driftnets are indiscriminate, large amounts of lower-valued fish also are caught. This by-catch, often hundreds of fish, is later thrown overboard polluting the water and depleting oceanic stocks. According to biologist Sam Labudde, the process is self-defeating. "All the applications of driftnet fishing have shown it to be the single most destructive fishing technology currently in use today because stocks are being over-fished."

Since the early 1980's, Japan, South Korea and Taiwan have been sending nearly a thousand ships equipped with driftnets onto the high seas. The United Nations has proposed a ban of all pelagic driftnets by 1992. Due to this kind of international pressure, both Japan and South Korea have made efforts to scale back their driftnet operations, especially in the South Pacific where albacore tuna stocks are in particular danger.

Taiwan is not a member of the United Nations and so is not expected to fully abide by the proposed ban. The Council of Agriculture, the island's highest fishing authority has never actually announced that it will abide by the ban. Fishing boat owners, on the other hand, have publicly stated on many occasions that it is their right to use whatever method they choose to fish.

Environmental issues aside, the prospects for fishworkers on driftnet ships suggests other kinds of abuse. Since driftnets are a cheap form of fishing equipment, boat owners tend to use it on over-aged and unsafe boats. Most driftnet boats in Taiwan are close to 40 years old.

An even more likely danger, given the current feelings about driftnets, is detention. In 1990, the majority of Taiwan's ships detained by other nations were captured because of violating driftnetting regulations.

Unfortunately the voices of Taiwan's fishing industry speak the loudest. When Tsai Ting-pang, one of the island's richest boat owners was asked about the driftnet controversy, he replied, "It's just business."





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